

**Statement by Jack Harris  
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**Before the House Committee on Government Reform  
Subcommittee on Criminal Justice, Drug Policy and Human Resources  
Chairman Mark E. Souder, 109<sup>th</sup> Congress**

**FY 2006 Drug Control Budget and the High Intensity Drug Trafficking Area  
(HIDTA) program; Are we jeopardizing federal, state and local cooperation?  
March 10, 2005**

Chairman Souder, Vice-Chair McHenry, Ranking Member Cummings, and distinguished Members of the Committee: I am honored to appear before you today to share some very alarming concerns that the proposed budget reductions and changes to the President's Office of National Drug Control Policy's High Intensity Drug Trafficking Area pose to the unified law enforcement efforts of local, state, and federal officers. Mr. Chairman, I appreciate the opportunity to help you answer a very appropriate question that you pose for the purpose of today's meeting, "Are we jeopardizing federal, state and local cooperation?" As your committee reviews the suggested FY 2006 Drug Control Budget for the Byrne Grant, the HIDTA program and other law enforcement programs I believe you will discover the answer is yes.

I will start with the proposed budget reductions and structural changes to the HIDTA program. As the police chief of the fifth largest city in the country and the largest city in Arizona, which is located approximately 135 miles from our country's border with Mexico, I can speak directly to the negative impact that the international and national illegal drug trade has on the safety and quality of life of our citizens. Specifically, this problem continues to bring bloodshed to the streets of many neighborhoods in our community because we are often the first stop of major drug shipments. Drug related homicides continue to rank as one of the highest causes of murder in our community. The majority of these murders are related directly to drug traffic organizations' (DTO's) movement of drugs in their local, regional, interstate and international drug business.

In my career, I have had the opportunity to work as a narcotics undercover detective. I never saw the volume of drugs coming through our community and its associated violence as I have in the past few years. For example, our Department's efforts in the HIDTA program resulted in the seizure of over 45,000 pounds of marijuana in the 2004 calendar year. Furthermore, more than 8 million dollars of drug proceeds were seized during this same time. Additionally, as with every major city, methamphetamine still remains a major problem. The Maricopa County HIDTA Clan Lab Task Force (which is located in our HIDTA building) has seized 200 methamphetamine labs over the past 12 months. These drugs were not just destined for users in Phoenix. The majority were destined to communities throughout the country, including your neighborhoods.

I have delivered to you a position paper that was prepared by members of the National HIDTA Directors Association (NHDA), which represent HIDTA directors from throughout the country. I have found it to be very useful in identifying the strengths and benefits of the HIDTA program from its beginning in 1990 through today. I believe this position paper effectively illustrates the collaboration, coordination, and investigative successes of HIDTA in facilitating local, state, and federal law enforcement. I encourage each committee member to review this paper as you deal with this issue.

I would like to speak specifically to what I believe are the benefits of HIDTA and how a budget reduction and/or the transferring of HIDTA to the Department of Justice will have a negative affect on law enforcement's abilities to interrupt the national flow of drugs in our country.

To clearly illustrate the benefits of the HIDTA program, let me share with you the most recent success of inter-agency cooperation and collaboration. In April 2004, a street level narcotics undercover detective developed information of a drug stash house in one of our city's affluent communities. Probable cause was developed and a search warrant was served. The result was the arrest of two international drug smugglers and 4,300 pounds of marijuana along with miscellaneous weapons and other evidence. A detective assigned to an intelligence initiative within the Maricopa County HIDTA Center was summoned to the scene. This detective, working side by side with the street detective, gathered information that was processed through the HIDTA Intelligence Service Center and DEA's Intelligence databases. A long term investigation was started and eight months later concluded with a service of numerous arrests and search warrants, the total seizure of 12,000 pounds of marijuana and thousands of dollars in cash and real property assets associated with the illegal proceeds. From a local perspective, this drug organization was linked to one homicide, a planned homicide that was averted during the investigation, a home invasion, and a shootout where over 1,300 pounds of marijuana was recovered along with numerous weapons and over 40 shell casings on the ground. From a national perspective, this investigation revealed that this organization was transporting illegal drugs to Philadelphia, Chicago, New York and Tennessee. From an international standpoint, investigative information showed that this group was linked to one of OCDETF's Consolidated Priority Offender Targets (CPOT). All this was accomplished through the support and collaboration provided by the HIDTA program. Without HIDTA, this investigation would have ended in April with the seizure of the original drugs. This investigation is the norm, not an anomaly of the types of investigations facilitated through the HIDTA program.

#### **HIDTA Provides for Unprecedented Levels of Interagency Cooperation and Collaboration:**

As the chairman of the Arizona HIDTA Executive Committee, I believe that over the years this program has created an environment that is conducive to providing unprecedented levels of interagency cooperation and collaboration. This extends well beyond the bounds of our local and state police agencies and the local offices of our federal partners. The HIDTA program extends opportunities for cooperation and collaboration with almost every destination city for the DTO's drug shipments. For example, last month I had two of my detectives who are assigned to our HIDTA Initiative involved in a drug investigation that took them to Florida. I have had detectives, cross designated as Drug Enforcement Administration Task Force Officers, on the streets of Chicago supporting HIDTA investigations. On a routine basis, meaning at least weekly and often daily, my detectives assigned to the HIDTA share or receive specific information that leads to the identification, arrest, and seizure of drugs in just about every region where a HIDTA exists.

Additionally, as a part of the COBIJA project I have sent officers to assist border agencies in their drug interdictions operations. As you are aware, our border cities and counties are at the forefront of drug interdiction and county task forces in Cochise, Yuma and Santa Cruz counties as well as the Tucson Police Department. They have all indicated that without HIDTA assistance and funding they would be forced to greatly curtail or discontinue their investigative and interdiction efforts outside of their jurisdictions.

Mr. Chairman, I know you have personally visited our HIDTA facility along with others on the Southwest Border and have seen first hand the benefits of the co-location and collaboration that we currently enjoy. Another investigation that comes to mind specifically involves your state. This case started with an offender that we would categorize as a violent Regional Priority Offender Target (RPOT). This suspect was known to our street detectives as an individual who had served prison time for drug distribution charges and was closely associated to other violent crimes. As my staff began a local investigation, we learned from one of our HIDTA task force detectives that this individual was involved in transporting drugs to Indianapolis, Indiana. Using the HIDTA methodology, this investigation was escalated to a more complex type of investigation which included working with detectives from the Indianapolis Police Department and your state's Attorney General's Office. Once again, without this collaborative approach, this investigation would have remained a local issue.

**Fifty-Six Percent Budget Reductions:**

It is very clear that the HIDTA program as constituted today cannot proceed with a fifty-six percent reduction in its budget. As documented on page five of the NHDA position paper, HIDTA funding affectively supports and enhances the partnership between state and local agencies and their federal partners. This funding allows for local agencies who would not normally be allowed to participate in regional, national and international cases to be a member of HIDTA task forces. The benefit of this allows for an inclusive flow of street level information to enhance the larger investigations. In Arizona alone, I know several law enforcement agencies will not be able to continue their support of and participation in the HIDTA program without the financial support that HIDTA provides. Such as in the example I shared with you, cases will end at a street level seizure or arrest and we will lose the ability to impact the President's desire to interrupt the flow of drugs brought into our country.

**ONDCP's Bureau of State and Local Affairs as a Neutral Entity:**

The current structure of HIDTA provides for an equal partnership between federal, state and local law enforcement leaders. The uniqueness of this infrastructure allows for the local and state executives to focus on the regional drug issues while being mindful and supportive of the national and international concerns that our federal partners are tasked with. This allows for a partnership that is matched by few programs in the law enforcement environment.

As the chairman of the Arizona HIDTA Executive Board, I have personally seen the benefits of the structure that HIDTA provides. This structure brings together local and state law enforcement executives on an "equal playing field" with our peer federal agency administrators. As stated by NHDA, these partnerships produce regional threat assessments, develop strategies to attack the threat and implement the strategies with operational task forces. Once again, it allows for an unprecedented amount of cooperation and support at the operational levels of law enforcement.

Through the HIDTA there is no federal law enforcement agency, such as the Department of Justice's OCDETF that exercise control or domination over the needs of the regional efforts.

**OCDETF's Mission and Structure is not Operational Based:**

As stated in NHDA's position paper, OCDETF does not have the structure and mission that encourages this operational co-mingling and co-location of multi-agency task forces. OCDETF only supports cases that have already been developed. It does not support the investigative efforts leading up to cases that are later delineated as an OCDETF case. This approach, without the support of HIDTA, will preclude many agencies from the opportunity to focus on regional cases without a local nexus.

It is also very clear that the administrative support of the proposed OCDETF program will not be able to support them in their daily and full time participation in drug enforcement that affects the regional, national and international illegal drug transportation issues. As stated in NHDA's position paper, the HIDTA program provides for continual operational support that facilitates the local development of drug cases that often result in major investigations. Mr. Chairman, by your comments on February 10<sup>th</sup> it is clear that you and other committee members understand that most drug enforcement takes place at a local level. As illustrated in our most recent CPOT case, this local participation is a critical component that should not be lost.

Furthermore, the OCDETF structure is reactionary and does not provide for immediate proactive interdiction efforts. The case must first be developed, reviewed by a committee, and then potentially approved for OCDETF designation and overtime support. This is counter productive to immediate investigative efforts. Let me share just one example where immediate collaboration and support was needed to successfully complete a HIDTA interdiction case. In January 2004, members of our HIDTA initiative received information that six pallets of marijuana weighing approximately 1,100 pounds had been identified at our airport. HIDTA task force detectives began an immediate investigation which resulted in a controlled delivery to New York City. The very next day, our HIDTA task force detectives received information that there was another shipment of six crates of marijuana weighing just under 1,200 pounds at the same location. Detectives included this shipment in their investigation of the previous day and allowed for a controlled delivery to New Jersey. They learned that these drugs were being packaged in Tucson and on the third day the detectives, in collaboration with HIDTA initiative detectives in Tucson, recovered six more pallets of marijuana at a packaging facility. They learned that this process had been going on since October of 2003 with up to 50,000 pounds of marijuana being shipped in this timeframe. It was obvious that these drugs were related to the Southwest Border HIDTA issues, and it was through the collaborative relationships fostered through the HIDTA program that this investigation was conducted at the source city and the destination cities. There is absolutely no way that we could have accomplished this investigation without the immediate action of our HIDTA partners. OCDETF would have been of no value in this case. Once again, this is just one of many cases that requires immediate multi-jurisdiction and inter-state action.

#### **Enhance the Current Program—Don't Create a New One:**

The HIDTA program has over fifteen years of development, growth, and success. Hopefully, through my comments today and your personal observations of the successes of the HIDTA program, you can see that this program has developed into one that enhances the state, federal and local partnerships, allows for a greater understanding of everyone's role in local, regional and national drug disruption efforts, and provides for effective vehicles to share criminal intelligence and investigative information. It is clear through the Office of Management and Budgets' program assessment of Fiscal Year 2003 that more effort is needed to statistically and

anecdotally demonstrate the effectiveness of the current HIDTA program. I support NHDA's position that this is merely an administrative task of documenting what is already a very effective program.

### **Effectiveness of the HIDTA Program:**

I strongly disagree with ONDCP's assertion that the HIDTA program has been ineffective in reducing drug use in America and its illegal distribution markets. Clearly, the examples of enhanced collaboration between local, state and federal agencies support the program's effectiveness. In reviewing the preliminary Southwest Border HIDTA seizure statistics for calendar year 2004, I found the results to be exceptional. Let me share some of these with you;

Marijuana seizures in pounds: 2,571,068

Cocaine seizures in pounds: 46,697

Heroin seizures in pounds: 741

Methamphetamine in pounds 5,335

The combination of results and relationships are a priceless return for the funds invested in the HIDTA program.

### **Summary:**

In summary, I share the same views as the members of the National HIDTA Directors Association. Furthermore, I believe if this issue was discussed personally with the executives and through the rank and file of the local and state officers they would share these same views. I would encourage this committee, members of the President's Office of National Drug Control Policy, and the President himself to re-evaluate their proposed changes and focus on a program that is already working and how to improve it. Finally, I believe the points made below illustrate our position.

- HIDTA has been able to demonstrate its effectiveness in targeting, dismantling and disrupting international, multi-state and local drug trafficking organizations many of which have OCDEF designation and are linked to CPOT. However, HIDTA has also maintained its flexibility to successfully address other drug problems such as the clandestine manufacture of methamphetamine.
- The primary reason for the success of the program is that it is within ONDCP's Bureau of State and Local Affairs, a neutral entity with no enforcement arm to compete or take control. No personnel from ONDCP are members of the Executive Board. Thus, HIDTA provides for an equal partnership between federal, state and local law enforcement leaders tailored for a regional approach and goals that are tied to the national mission.
- The HIDTA Program cannot remain effective with a 56% reduction in funds regardless of where it is housed.

- The human, operational, intelligence and technical infrastructure that HIDTA has built in the last fifteen years, changing the face of drug law enforcement across the nation, will be lost if this proposal becomes reality.
- HIDTA's successes and contributions can and should be factored into the cause for the reduction of teen drug use and drug related crime as much as any other singular endeavor, such as a media campaign.
- OCDETF and HIDTA are beneficial programs but whose missions are dissimilar.
- OCDETF/DOJ has a unilateral, federal approach to drug law enforcement. HIDTA addresses the totality of drug law enforcement.
- OCDETF precludes the incorporation of state and local police executives in drug law enforcement management that affects their areas.
- The HIDTA Program's most beneficial contributions cannot endure under DOJ management and guidelines.